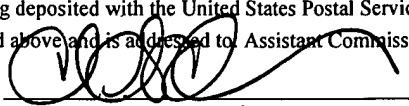


# 570-201 A/FWC  
08/573569

DOCKET NUMBER 203442025701	ANTICIPATED CLASSIFICATION: CLASS SUBCLASS	PRIOR APPLICATION: EXAMINER A. Caputa	ART UNIT 1813
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E

Morrison & Foerster  
755 Page Mill Road  
Palo Alto, California 94304-1018

CERTIFICATE OF MAILING BY "EXPRESS MAIL"	
Express Mail Label No.: TB790422292US	Date of Deposit: December 14, 1995
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.	
 CECILY ANNE SNYDER, REG. NO 37448	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**37 C.F.R. § 1.62  
REQUEST FOR FILING FILE WRAPPER  
APPLICATION**

Box FWC  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is a Request for filing a File Wrapper application under 37 C.F.R. § 1.62 of prior application Serial No. FWC OF 08/082,846, filed on December 14, 1995 entitled COLD-ADAPTED INFLUENZA VIRUS by the following inventor:

	FULL NAME OF INVENTOR	FAMILY NAME <u>MAASSAB</u> /-00	FIRST GIVEN NAME <u>HUNEIN</u>	SECOND GIVEN NAME <u>F.</u>
	RESIDENCE & CITIZENSHIP	CITY <u>Ann Arbor</u> MT	STATE OR FOREIGN COUNTRY <u>Michigan 48104</u>	COUNTRY OF CITIZENSHIP <u>USA</u>
	POST OFFICE ADDRESS	POST OFFICE ADDRESS <u>2446 Shannondale</u>	CITY <u>Ann Arbor</u>	STATE & ZIP CODE/COUNTRY <u>USA</u>

FULL NAME OF INVENTOR	FAMILY NAME <u>HERLOCHER</u> 2-00	FIRST GIVEN NAME <u>MARTHA</u>	SECOND GIVEN NAME <u>L.</u>
RESIDENCE & CITIZENSHIP	CITY <u>Ann Arbor</u> MI	STATE OR FOREIGN COUNTRY <u>Michigan 48103</u>	COUNTRY OF CITIZENSHIP <u>USA</u>
POST OFFICE ADDRESS	POST OFFICE ADDRESS <u>2142 Spruceway Drive</u>	CITY <u>Ann Arbor</u>	STATE & ZIP CODE/COUNTRY <u>USA</u>

The above-identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application. A copy of the Petition for extension of time is enclosed. In view of filing this Petition and payment of the fee, the parent application is pending today, December 14, 1995, and copendency between the parent and this FWC is established as required by 35 U.S.C. § 120.

- ☒ Enter the amendment previously filed on October 13, 1995 under 37 C.F.R. § 1.116 but unentered, in the prior application.
- ☒ Prior to calculating the filing fee, please cancel without prejudice or disclaimer claims 2, 3, 6, and 9-11.
- ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended above.

FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS	12 - 20 =	0	x \$22.00	\$0
INDEPENDENT CLAIMS	4 - 3 =	1	x \$78.00	\$78.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable) *****			\$250.00	\$0
			BASIC FEE	\$750.00
			TOTAL OF ABOVE CALCULATIONS =	\$0
Reduction by 1/2 for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27, 1.28). If applicable, verified statement must be attached.				\$414.00
			TOTAL =	\$414.00

☒ The Assistant Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required, or credit any overpayment to Deposit Account No. 03-1952.

☒ A check in the amount of \$570.00 is enclosed to pay the filing fee. Please credit any overpayment to Deposit Account No. 03-1952.

☐ A new oath or declaration is included since this application is a continuation-in-part which discloses and claims additional matter.

☐ Amend the specification by inserting after the title the sentence:

21  
-- This application is a continuation of application Serial No. 08/082,846, filed June 23, 1992, now abandoned. The contents of U.S. Serial No. 08/082,846, are hereby incorporated by reference into the present disclosure.--

☒ A copy of the Verified statement(s) claiming small entity status filed in the parent application is enclosed.

☒ The prior application is assigned of record to The Regents of the University of Michigan.

☒ The power of attorney, by virtue of a Revocation of Attorney and Appointment of New Attorneys filed in the parent application (copy attached), is to:

Thomas E. Ciotti (Reg No 21,013)  
William H. Benz (Reg. No. 25,952)  
Debra Shetka (Reg No 33,309)  
Karl Bozicevic (Reg. No. 28,807)  
Felissa H. Cagan (Reg. No. 35,089)  
Paul Schenck (Reg No 27,253)  
Freddie K. Park (Reg No 35,636)  
Paul C. Kimball (Reg No 34,641)  
Patricia M. Drost (Reg No 29,790)  
Cecily Anne Snyder (Reg No 37,448)  
Edward G. Durney (Reg No 37,611)  
Gary A. Green (Reg No 38,474)  
Nancy Joyce Gracey (Reg. No. 28,216)  
Bill Kennedy (Reg. No. 33,407)

Kate H. Murashige (Reg No 29,959)  
Gladys H. Monroy (Reg No 32,430)  
Michelle M. McSpaddent (Reg. No. 32,048)  
Jackie N. Nakmura (Reg. No. 35,966)  
Lynn E. Schwenning (Reg. No. 37,233)  
Thomas E. Wheelock (Reg No 28,825)  
Susan K. Lehnhardt (Reg No 33,943)  
James R. Shay (Reg No 32,062)  
Shmuel Livnat (Reg No 33,949)  
Tyler Dylan (Reg No 37,612)  
Reid G. Adler (Reg No 30,988)  
Antoinette F. Konski (Reg No 34,202)  
Robert Saltzberg (Reg No 36,910)  
Anna Lewak Wight (Reg. No. 33,006)

☐ The power appears in the original papers in the prior application.

- ☒ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- ☒ Address all future communications to:

Antoinette F. Konski  
Morrison & Foerster  
755 Page Mill Road  
Palo Alto, California 94304-1018

Dated: December 14, 1995

Respectfully submitted,

By: *Antoinette F. Konski*  
Antoinette F. Konski  
Registration No. 34,202

Morrison & Foerster  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (415) 813-5730  
Facsimile: (415) 494-0792

New Atty Dkt 20344-2025700  
Previous Atty Dkt 2115-00257

CERTIFICATE UNDER 37 CFR 3.73(b)

Applicant: Maassab, et al.

Application No.: 08/082,846 Filed: June 29, 1993

For: COLD-ADAPTED INFLUENZA VIRUS

THE REGENTS OF THE UNIVERSITY OF MICHIGAN, a constitutional corporation of the State of Michigan

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of:

[X] An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 6720, Frame 0236, or for which a copy thereof is attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

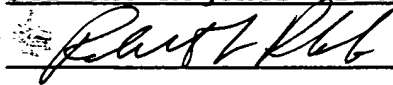
The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: June 2, 1994

Name: Robert L. Robb

Title: Director, University of Michigan  
Technology Management Office  
For the Regents of the University of Michigan

Signature: 

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on 6/6/94

Date

  
Signature

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled COLD-ADAPTED INFLUENZA VIRUS, the specification of which (check one)

☐ is attached hereto.

☒ was filed on June 30, 1993, as Application Serial No. 08/082,846 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

### PRIOR FOREIGN APPLICATION(S)

			<u>Priority Claim</u>	
(Number)	(Country)	(Day/Month/Year filed)	Yes	No
_____	_____	_____	_____	_____
(Number)	(Country)	(Day/Month/Year filed)	Yes	No
_____	_____	_____	_____	_____
(Number)	(Country)	(Day/Month/Year filed)	Yes	No
_____	_____	_____	_____	_____

I hereby claim the benefit under Title 35, United States Code, section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.

Filing Date

Status - patented,  
pending, abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint Anna M. Lewak, Reg. No. 33,006, and each partner, attorney of counsel, associate and employee of Harness, Dickey & Pierce, who is a registered Patent Attorney, my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Harness, Dickey & Pierce, P. O. Box 828, Bloomfield Hills, Michigan 48303 (313) 641-1600.

Full name of sole or first inventor: Hunein F. Maassab

Inventor's signature: HF Maassab

Date: 9/10/93

Residence: 2446 Shannondale, Ann Arbor, Michigan 48104

Citizenship: United States of America

Post Office Address: 2446 Shannondale, Ann Arbor, Michigan 48104

Full name of second joint inventor, if any: Martha Louise Herlocher

Second Inventor's signature: M. Louise Herlocher

Date: 9/10/93

Residence: 2142 Spruceway Drive, Ann Arbor, Michigan 48103

Citizenship: United States of America

Post Office Address: 2142 Spruceway Drive, Ann Arbor, Michigan 48103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) or Patentee: Hunein F. Maassab and Martha Louise Herlocher  
Serial or Patent No.: 08/082,846  
Filed or Issued: June 30, 1993  
For: COLD-ADAPTED INFLUENZA VIRUS

Attorney Docket No.:

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: The Regents of the University of Michigan

ADDRESS OF ORGANIZATION: 475 E. Jefferson, Room 2354  
Ann Arbor, Michigan 48109-1248

TYPE OF ORGANIZATION:

- ☒ University or other institution of higher education  
☐ Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))  
☐ Nonprofit scientific or educational under statute of state of The United States of America  
(Name of state: \_\_\_\_\_)  
(Citation of statute: \_\_\_\_\_)  
☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) if located in The United States of America  
☐ Would qualify as nonprofit scientific or educational under statute of state of The United States of America if located in The United States of America  
(Name of state: \_\_\_\_\_)  
(Citation of statute: \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled

**COLD-ADAPTED INFLUENZA VIRUS**

by inventor(s) Hunein F. Maassab and Martha Louise Herlocher described in

- ☐ the specification filed herewith  
☒ application serial no. 08/082,846 filed June 30, 1993  
☐ patent no. \_\_\_\_\_ issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are



**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) AND 1.27(d)) - NONPROFIT ORGANIZATION**

held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

**\*NOTE:** Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

☐ Individual    ☐ Small Business Concern    ☐ Nonprofit Organization

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

☐ Individual    ☐ Small Business Concern    ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Robert L. Robb

Title in Organization: Director, Intellectual Properties Office

Address of Person Signing: The Regents of The University of Michigan  
475 E. Jefferson, Room 2354  
Ann Arbor, Michigan 48109-1248

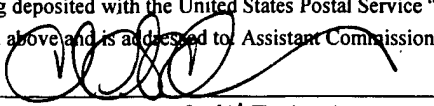
Signature: 

Date: 9-13-93

10/573569

DOCKET NUMBER 203442025701	ANTICIPATED CLASSIFICATION: CLASS SUBCLASS	PRIOR APPLICATION: EXAMINER A. Caputa	ART UNIT 1813
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Morrison & Foerster  
755 Page Mill Road  
Palo Alto, California 94304-1018

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL"</b>	
Express Mail Label No.: TB790422292US	Date of Deposit: December 14, 1995
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.	
 CECILY ANNE SNYDER, REG. NO 37448	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**37 C.F.R. § 1.62  
REQUEST FOR FILING FILE WRAPPER  
APPLICATION**

Box FWC  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is a Request for filing a File Wrapper application under 37 C.F.R. § 1.62 of prior application Serial No. FWC OF 08/082,846, filed on December 14, 1995 entitled COLD-ADAPTED INFLUENZA VIRUS by the following inventor:

	FULL NAME OF INVENTOR	FAMILY NAME MAASSAB	FIRST GIVEN NAME HUNEIN	SECOND GIVEN NAME F.
	RESIDENCE & CITIZENSHIP	CITY Ann Arbor	STATE OR FOREIGN COUNTRY Michigan 48104	COUNTRY OF CITIZENSHIP USA
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 2446 Shannondale	CITY Ann Arbor	STATE & ZIP CODE/COUNTRY USA

ROT 70 813

	FULL NAME OF INVENTOR	FAMILY NAME HERLOCHER	FIRST GIVEN NAME MARTHA	SECOND GIVEN NAME L.
	RESIDENCE & CITIZENSHIP	CITY Ann Arbor	STATE OR FOREIGN COUNTRY Michigan 48103	COUNTRY OF CITIZENSHIP USA
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 2142 Spruceway Drive	CITY Ann Arbor	STATE & ZIP CODE/COUNTRY USA

The above-identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application. A copy of the Petition for extension of time is enclosed. In view of filing this Petition and payment of the fee, the parent application is pending today, December 14, 1995, and copendency between the parent and this FWC is established as required by 35 U.S.C. § 120.

- ☒ Enter the amendment previously filed on October 13, 1995 under 37 C.F.R. § 1.116 but unentered, in the prior application.
- ☒ Prior to calculating the filing fee, please cancel without prejudice or disclaimer claims 2, 3, 6, and 9-11.
- ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended above.

FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS	12 - 20 =	0	x \$22.00	\$0
INDEPENDENT CLAIMS	4 - 3 =	1	x \$78.00	\$78.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable) *****			\$250.00	\$0
			BASIC FEE	\$750.00
			TOTAL OF ABOVE CALCULATIONS =	\$0
Reduction by 1/2 for filing by small entity. (Note 37 C.F.R. §§ 1.9, 1.27, 1.28). If applicable, verified statement must be attached.				\$414.00
			TOTAL =	\$414.00

- ☒ The Assistant Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required, or credit any overpayment to **Deposit Account No. 03-1952.**
- ☒ A check in the amount of \$570.00 is enclosed to pay the filing fee. Please credit any overpayment to Deposit Account No. 03-1952.
- ☐ A new oath or declaration is included since this application is a continuation-in-part which discloses and claims additional matter.
- ☐ Amend the specification by inserting after the title the sentence:  
 -- This application is a continuation of application Serial No. 08/082,846, filed June 23, 1992, now abandoned. The contents of U.S. Serial No. 08/082,846, are hereby incorporated by reference into the present disclosure.--
- ☒ A copy of the Verified statement(s) claiming small entity status filed in the parent application is enclosed.
- ☒ The prior application is assigned of record to The Regents of the University of Michigan.
- ☒ The power of attorney, by virtue of a Revocation of Attorney and Appointment of New Attorneys filed in the parent application (copy attached), is to:
- |                                      |  |
|--------------------------------------|--|
| Thomas E. Ciotti (Reg No 21,013)     | Kate H. Murashige (Reg No 29,959)        |
| William H. Benz (Reg. No. 25,952)    | Gladys H. Monroy (Reg No 32,430)         |
| Debra Shetka (Reg No 33,309)         | Michelle M. McSpaddent (Reg. No. 32,048) |
| Karl Bozicevic (Reg. No. 28,807)     | Jackie N. Nakmura (Reg. No. 35,966)      |
| Felissa H. Cagan (Reg. No. 35,089)   | Lynn E. Schwenning (Reg. No. 37,233)     |
| Paul Schenck (Reg No 27,253)         | Thomas E. Wheelock (Reg No 28,825)       |
| Freddie K. Park (Reg No 35,636)      | Susan K. Lehnhardt (Reg No 33,943)       |
| Paul C. Kimball (Reg No 34,641)      | James R. Shay (Reg No 32,062)            |
| Patricia M. Drost (Reg No 29,790)    | Shmuel Livnat (Reg No 33,949)            |
| Cecily Anne Snyder (Reg No 37,448)   | Tyler Dylan (Reg No 37,612)              |
| Edward G. Durney (Reg No 37,611)     | Reid G. Adler (Reg No 30,988)            |
| Gary A. Green (Reg No 38,474)        | Antoinette F. Konski (Reg No 34,202)     |
| Nancy Joyce Gracey (Reg. No. 28,216) | Robert Saltzberg (Reg No 36,910)         |
| Bill Kennedy (Reg. No. 33,407)       | Anna Lewak Wight (Reg. No. 33,006)       |
- ☐ The power appears in the original papers in the prior application.

☒ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

☒ Address all future communications to:

Antoinette F. Konski  
Morrison & Foerster  
755 Page Mill Road  
Palo Alto, California 94304-1018

Dated: December 14, 1995

Respectfully submitted,

By:   
Antoinette F. Konski  
Registration No. 34,202

Morrison & Foerster  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (415) 813-5730  
Facsimile: (415) 494-0792